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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,620	04/12/2004	Viswanathan Kalyanaraman	130349	3290

7590

09/30/2005

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EXAMINER

BUTTNER, DAVID J

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,620

Applicant(s)

KALYANARAMAN ET AL.

Examiner

David Buttner

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-33 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 22 claim a "composition", yet include a "molded using a textured mold" requirement. Is a molded article being claimed or is a composition being claimed? Is the molded requirement a future intended use? A similar problem exists for claims 31.

"MMASAN" and "PC-siloxane" have no rubber and therefore cannot be considered rubber modified thermoplastics. In claims 18 and 22.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5-9 and 11-33 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nouvertne '918.

Nouvertne exemplifies (table1) blends of BPA based polycarbonate, tetramethyl BPA based polycarbonate, PBT and ABS. This is the same composition claimed by applicant and therefore would have the same properties.

Claims 1-3,5-9 and 11-33 rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Eckel '015.

Eckel exemplifies (table) blends of polycarbonate, PET, ABS and flame retardants. This is the same composition claimed by applicant and therefore would have the same properties.

Claims 1-3,5-8 and 11-33 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Liu '534.

Liu exemplifies (table 2) blends of polycarbonate, PBT, ABS and brominated polycarbonate. This is the same composition claimed by applicant and therefore would have the same properties.

Claims 1-3,5-9 and 11-33 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Freitag '793.

Freitag exemplifies (table 1) blends of PBT, polycarbonate and grafted rubber. This is the same composition claimed by applicant and therefore would have the same properties.

Claims 1-3,5-9 and 11-33 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Braig 2003/0022989.

Braig exemplifies (table 1) blends of BPA based polycarbonate, a high heat resistant polycarbonate, PET and grafted rubber. This is the same composition claimed by applicant and therefore would have the same properties.

Claims 1-9 and 11-33 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ishihata '269.

Ishihata exemplifies (#38,40,41,46,48,49,51-61) blends of polycarbonate, polyester and rubbery impact modifier. This is the same composition claimed by applicant and therefore would have the same properties. Note that the polycarbonate can be based on dihalo bis(hydroxyphenyl)ethylene compounds (col 3 line 67-col 4 line 1).

Claims 1-9 and 11-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Nouvertne '918 or Eckel '015 or Liu '534 or Freitag '793 or Braig 2003/0022989 or Ishihata '269 in view of Weber '986 and Mangnus '753.

The primary references previously discussed do not suggest using textured mold when molding their compositions.

Weber (col 5 line 55-59) and Mangnus (col 5 line 12) suggest the use of textured molds to reduce gloss of the polycarbonate and polyester articles.

It would have been obvious to perform any of the molding of the primary references in a textured mold to lessen gloss.

Claims 1-3 and 5-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Eckel '015 in view of Eckel '068 and in further view of Weber '986 and Mangnus '753.

Eckel '015 exemplifies (table) blends of polycarbonate, PET, ABS and flame retardants. Eckel does not suggest utilizing two polycarbonates of differing MW and molding in a textured mold.

Eckel '068 teaches (col 1 line 47-54) use two polycarbonate of different viscosities (ie different MW) is superior to a single polycarbonate with the corresponding average MW. The examiner calculates the reference's low viscosity PC corresponds to applicant's low MW PC and the reference's high viscosity PC corresponds to applicant's high MW PC.

Weber (col 5 line 55-59) and Mangnus (col 5 line 12) suggest the use of textured molds to reduce gloss of the polycarbonate and polyester articles.

It would have been obvious to use a two PC's of differing MW and to perform the molding of Eckel '015 in a textured mold to lessen gloss.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 571-272-1084. The examiner can normally be reached on weekdays from 10 to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Buttner

9/27/05

DAVID J. BUTTNER
PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read "David Buttner", written in black ink.